



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

August 4, 2014

Mr. Jerry Burge
Board President
Mount Pleasant Water Users Association
P. O. Box 730875
San Jose, CA 95173

Dear Mr. Burge:

CITATION NO. 02-17-14C-012
TOTAL COLIFORM MONITORING VIOLATION
MOUNT PLEASANT WATER USERS ASSOCIATION, WATER SYSTEM NO. 4300563

Enclosed is a citation issued to Mount Pleasant Water Users Association (hereafter, Water System or MPWUA). The citation is issued as the Water System failed to comply with Section 64423, Chapter 15, Title 22, California Code of Regulations (CCR). Routine total coliform monitoring was not performed as required in June 2014.

The attached citation consists of seven sections: Applicable Authorities, Statement of Facts, Determination, Directives, Parties Bound, Severability and Further Enforcement Action. The Applicable Authorities, Statement of Facts and Determination sections describe the events leading up to the issuance of the citation. The Directives section specifies what the Water System needs to do to return to compliance. The Parties Bound, Severability and Further Enforcement Action sections describe administrative penalties to be assessed for failure to comply with the citation. No administrative penalty is levied with the current citation.

If you have any questions regarding this letter, please contact Jose P. Lozano IV, P.E. at (510) 620-3459 or me at (510) 620-3453.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Lacy".

Eric Lacy, P.E.
District Engineer
Santa Clara District
Division of Drinking Water
State Water Resources Control Board

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

850 Marina Bay Parkway, Bldg. P, 2nd Floor, Richmond, CA 94804-6403 | www.waterboards.ca.gov

Mr. Jerry Burge

- 2 -

August 4, 2014

Enclosures: 1) Sample Notice (Attachment A)
2) Proof of Notification (Attachment B)

Certified Mail 7006 3430 0001 8420 8433

cc: Santa Clara County Environmental Health Department (w/ encl.)

bcc: File Server; 4300563\Enforcement\June 2014 TCR M&R procedural viol citation;
Enforcement File; Chron (all w/ encl.)
W4300563/140730.cit.ltr

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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Mount Pleasant Water Users Association
Water System No. 4300563
P. O. Box 730875
San Jose, CA 95173

ATTN: Mr. Jerry Burge
Board President

CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS, TITLE 22,
SECTION 64423 – WATER SYSTEM NO. 4300563
CITATION NO. 02-17-14C-012
Issued on August 4, 2014

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a citation to Mount Pleasant Water Users Association (hereinafter,

1 "MPWUA" or "Water System") (mailing address: P.O. Box 730875, San Jose, CA 95173) for
2 violation of California Code of Regulations (CCR), Title 22, Section 64423.

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5 **APPLICABLE AUTHORITIES**

6 **Section 116650 of California Health and Safety Code provides:**

7
8 (a) If the department determines that a public water system is in violation of
9 this chapter or any regulation, permit, standard, citation, or order issued or adopted
10 thereunder, the department may issue a citation to the public water system. The citation shall
11 be served upon the public water system personally or by certified mail. Service shall be
12 deemed effective as of the date of personal service or the date of receipt of the certified mail.
13 If a person to whom a citation is directed refuses to accept delivery of the certified mail, the
14 date of service shall be deemed to be the date of mailing.

15 (b) Each citation shall be in writing and shall describe the nature of the
16 violation or violations, including a reference to the statutory provision, standard, order,
17 citation, permit, or regulation alleged to have been violated.

18 (c) A citation may specify a date for elimination or correction of the condition
19 constituting the violation.

20 (d) A citation may include the assessment of a penalty as specified in
21 subdivision (e).

22 (e) The department may assess a penalty in an amount not to exceed one
23 thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day
24 that a violation continues to occur. A separate penalty may be assessed for each violation.



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California Code of Regulations, Title 22, Section 64423 provides, in relevant part:

MPWUA is required to collect the minimum number of routine bacteriological samples each water supplier is required to collect. According to the bacteriological sample siting plan dated December 3, 2013 on file with the Department, the Water System is currently required to collect one bacteriological sample every month.

STATEMENT OF FACTS

~~MPWUA is a community water system, located east of the City of San Jose, California, that serves domestic water to 70 service connections consisting of approximately 300 people. MPWUA purchases its entire water supply from San Jose Water Company (SJWC). Water supplied to MPWUA is predominantly surface water treated by Santa Clara Valley Water District's (SCVWD) Penitencia Water Treatment Plant via SJWC's distribution system. Department records indicate that the Water System consists of two pressure zones, namely the Upper Tanks Pressure Zone (PZ) and the Lower Tanks PZ. According to MPWUA's latest bacteriological sample siting plan (BSSP) on file, dated December 3, 2013, the distribution system is monitored once a month for bacteriological quality.~~

During the month of June 2014, the Water System failed to collect the required one routine sample. This resulted in a violation of Section 64423, Title 22, CCR.

DETERMINATION

The Division has determined that MPWUA failed to take and report the required number of routine bacteriological samples during the month of June 2014. The Department consequently notified the Water System of the bacteriological monitoring and procedural violation in a July 18, 2014 e-mail.

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DIRECTIVES

MPWUA is hereby directed to take the following actions:

- 1) Forthwith, MPWUA shall cease and desist from failing to comply with Subsection 64423, Chapter 15, Title 22, CCR immediately.

- 2) MPWUA shall conduct public notification for the bacteriological monitoring violation within one year in conformance with Section 64463.7(c), Chapter 15, Title 22, CCR. Enclosed is a sample copy of a public notification that may be used (Attachment A). Department approval of the proposed notice is required prior to performing notification. The notification shall be completed in accordance with the following:

Mail or direct delivery to each customer receiving a bill, as well as those that provide their drinking water to others (e.g., schools or apartment building owners), and other service connections to which water is delivered by the water system.

As an alternative, notification can be performed by including the notice in the 2014 Consumer Confidence Report in accordance with Section 64463.7 (d), Chapter 15, Title 22, CCR. Wording of the notice shall be approved by the Department prior to distribution. A sample notice (Attachment A) is enclosed that may be used to fulfill the notification requirement.

Proof of notification must be provided to the Department. This can be met by submitting a completed Proof of Notification form (Attachment B). Please notify this office by September 12, 2014, as to the method or methods, MPWUA will use to fulfill the public notification requirement.

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3) MPWUA shall prepare a written Corrective Action Plan (CAP) that describes the specific actions that will be taken by Water System personnel to ensure that future bacteriological monitoring and reporting monitoring failure violations will not occur. Submit the report to the Department by September 12, 2014

The Division reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation, and shall be deemed effective upon issuance.

Nothing in this Citation relieves MPWUA of its obligation to meet the requirements of the California Safe Drinking Water Act, or of any regulation, permit, standard, or order issued or adopted thereunder.

All submittals required by this Citation shall be submitted to the Division at the following address:

Mr. Eric Lacy, P.E., District Engineer
Santa Clara District
Division of Drinking Water
State Water Resources Control Board
850 Marina Bay Parkway, Building P, Second Floor
Richmond, CA 94804

PARTIES BOUND

This Citation shall apply to and be binding upon MPWUA, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

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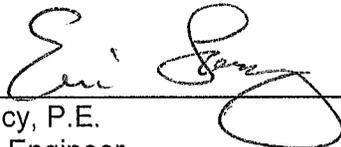
SEVERABILITY

The Directives of this Citation are severable, and MPWUA shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Division to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Division to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Division; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with violates an order of the Division. The Division does not waive any further enforcement action by issuance of this citation.

August 4, 2014
Date


Eric Lacy, P.E.
District Engineer
Santa Clara District
Division of Drinking Water
State Water Resources Control Board

Attachments

CERTIFIED MAIL # 7006 3450 0001 8420 8433

cc: Santa Clara County Environmental Health Department (w/ attachments.)

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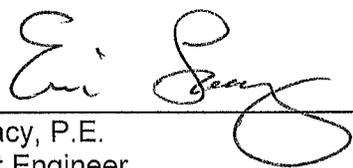
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Eric Lacy, P.E.
District Engineer
Santa Clara District
Division of Drinking Water
State Water Resources Control Board

Attachments

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cc: Santa Clara County Environmental Health Department (w/ attachments.)

bcc: File Server; 4300563\Enforcement\June 2014 TCR M&R procedural vio citation; Enforcement File, Chron (all w/ attachments)
W4300563/140730.Cit

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

**Monitoring Requirements Not Met in June 2014 for
Mount Pleasant Water Users Association, Water System No. 4300563**

On [give date] we became aware that our system recently failed to collect the correct number of drinking water samples. Although this incident was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did (are doing) to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. We are required to collect one (1) bacteriological sample each month. During June 2014, we failed to collect the required number of bacteriological samples. As a result, we cannot be sure of the quality of our drinking water during that time.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during August 2008, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples will be taken.

<i>Contaminant</i>	<i>Required Number of Samples</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were Taken</i>
Total coliform bacteria	One routine	None	June 2014	July 2014

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action].

For more information, please contact [name of contact] at [phone number] or [mailing address].

ATTACHMENT A

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by Mount Pleasant Water Users Association.

State Water System ID#: _____. Date distributed: _____.

PROOF OF NOTIFICATION

Citation Number 02-17-14C-012

Mount Pleasant Water Users Association
System Number: 4300563

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by the Mount Pleasant Water Users Association (MPWUA) of the violations of Title 22, California Code of Regulations (CCR) for the compliance period of June 2014. I complied with the directives of this citation as indicated below:

Required Action

Date
Completed

Conduct Public Notification – (Attach copy of the notice(s) used.)

Submit Corrective Action Plan

Signature of Water System Representative

Date

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT. A COPY OF THE POSTED NOTICE MUST BE ATTACHED TO THIS FORM.

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached citation may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.